

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7382

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES PAIGE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, District Judge. (CR-90-236)

Submitted: December 16, 2004

Decided: December 23, 2004

Before MICHAEL, KING, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Paige, Appellant Pro Se. Michael R. Smythers, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

James Paige seeks to appeal the district court's order denying a petition for clemency, which was filed by Paige's mother and his aunt and construed by the district court as a motion for modification of Paige's criminal sentence. The district court denied the motion on its merits. Because Paige is not a party to or an intervenor in the proceeding filed by his relatives, he lacks standing to challenge that decision on appeal. Davis v. Scott, 176 F.3d 805 (4th Cir. 1999) (holding that federal prisoner did not have standing to appeal dismissal of habeas corpus petition filed by his wife "on behalf of" her husband). Accordingly, we dismiss Paige's appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED